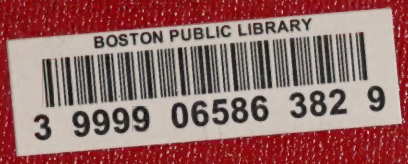
GOV DOC
M3/B16
RA
85/1



BOSTON
PUBLIC
LIBRARY

gr04-828

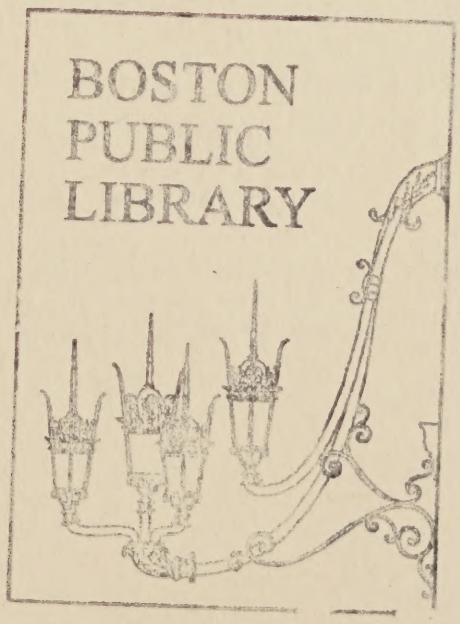
BRIEFING DOCUMENT

GOV DOC
M3/B16
RA
85/1

BOYLSTON STREET

Interim Planning Overlay District

January 28, 1986



BOSTON REDEVELOPMENT AUTHORITY STEPHEN COYLE, DIRECTOR

Back Bay
B792
1986

BOSTON REDEVELOPMENT AUTHORITY

Chairman's Statement

January 28, 1986 - 7:30 P.M.

This is a public hearing before the Boston Redevelopment Authority to consider a proposed petition to the Zoning Commission to establish in the Boston Zoning Code an Interim Planning Overlay District along Boylston Street in the Back Bay.

This hearing was duly advertised on January 18 and January 20 in THE BOSTON HERALD, on January 18 in THE BOSTON GLOBE, on January 19 and January 26 in THE BOSTON LEDGER, and on January 21 and January 28 in THE BOSTON TAB.

In a Boston Redevelopment Authority hearing on a proposed petition by the Authority, the Authority staff members will first present their case and are subject to questioning by members of the Authority only. Thereafter, others who wish to speak in favor of the proposed petition are afforded an opportunity to do so under the same rules of questioning. Following that, those who wish to speak in opposition may do so, again under the same rules of questioning. Finally, the proponents are allowed a period of five to ten minutes for rebuttal, if they so desire.

Will the Director and staff please make the presentation.

INTRODUCTION AND HISTORY

Digitized by the Internet Archive
in 2025 with funding from
Boston Public Library

https://archive.org/details/briefingdocument00bost

INTRODUCTION AND HISTORY

The Boylston Street Zoning Study was initiated by the Authority, as the City's Planning Agency, to comprehensively study both the effects of intensive growth and development within this section of Back Bay, and to identify solutions which would help Boylston Street retain its special character, serving both the commercial and residential sectors.

In March, 1984 the BRA Director appointed a 15-20 member Citizens' Review Committee (CRC) composed of representatives from major Back Bay organizations, civic institutions and neighborhood groups to advise the Authority on the Boylston Street Zoning Study and its work program. (See accompanying list of CRC members) The CRC began meeting in April, 1984 and over the next 11 months met over eighteen times with members of the Authority's staff at meetings which were open to the public and noticed to CRC members and on occasion listed in the major community newspapers and/or newsletters.

On March 22, 1985, a report entitled, Boylston Street Zoning Study Interim Report was publicly released by the Authority. The report, a joint effort between staff and the CRC, established preliminary zoning recommendations aimed at generally reducing the height and mass of new building projects along Boylston Street; the adoption of new design and massing guidelines; the expansion of the Back Bay Architectural District to Boylston Street's southside; and new public improvements focused on uniform sidewalk and streetscape changes on both sides of Boylston Street between Arlington Street and Massachusetts Avenue.

Since release of the Interim Report, the Authority has continued to meet with the CRC to complete the Zoning Study's final recommendations. This zoning proposal, presented for public hearing on January 28, is a consensus position of the zoning subcommittee appointed by the CRC to negotiate a compromise position with the Authority. In addition to securing general agreement from the CRC on the scope of the specific interim zoning recommendations, the Authority and CRC are nearing completion of a uniform sidewalk, street lighting and tree planting program for both sides of Boylston Street between Massachusetts Avenue and Arlington Street. The implementation of these public improvements will largely be carried out by private developers in conjunction with their projects, but its significance goes to the establishment of a "community design" standard for Boylston Street to help reinforce the Street's importance as a major boulevard and pedestrian accessway in the Back Bay.

We also anticipate that the Back Bay Architectural Commission will take legislative action to expand the Architectural District to Boylston Street's southside, which will allow the Architectural Commission to unify important design review requirements for both sides of Boylston Street.

The establishment of a Boylston Interim Planning Overlay District is necessary to provide immediate protection to Boylston Street from encroachment of development with excess height and mass while final zoning regulations and design guidelines for Boylston Street are in process.

IPOD PROCEDURES

INTERIM PLANNING OVERLAY DISTRICT (IPOD) PROCEDURE

On November 23, 1984, an Interim Planning Overlay District (IPOD) Procedure was added to the Boston Zoning Code after due report, notice and hearing. In approving this historic zoning amendment, the Zoning Commission found that:

- o The attributes of an evolving city make it necessary from time to time to consider rezoning of an area;
- o it is usually desirable to precede a contemplated rezoning of an area with a comprehensive planning study;
- o a reasonable period of time is required to complete such comprehensive planning study, given the need to assemble and consider adequately the necessary economic, social, physical and other information, and to hold public hearings and otherwise involve the public in the planning process;
- o the preparation, drafting, and adoption of a proposed rezoning may take a significant period of time to complete;
- o in the time period during which the comprehensive planning study and contemplated rezoning are prepared, it is essential to protect the area under review from unwise development that would frustrate the ultimate goals of the comprehensive planning process and contemplated rezoning;
- o the use of interim zoning measures to protect the integrity of an area pending completion of a comprehensive planning study and preparation of a rezoning proposal is a commonly used technique around the country.

Under the requirements of Article 27 of the Zoning Code, an IPOD must include the following components:

1. Physical Boundaries: This section gives exact boundaries for the planning overlay district, and the sub-areas (if any) within the district.
2. Time Period: This section establishes the period in which the IPOD will be in effect. The Zoning Code allows a period of up to two years for an IPOD to be in effect. (On Boylston Street a one year time period is being proposed). At the end of the time period the interim planning process will expire and, either the new zoning developed during the planning process will be implemented, or the original, pre-IPOD zoning districts will be put back in force.
3. Characteristics of the District that Make the Current Zoning Inappropriate: This is an explanation of why the current zoning may be inadequate or inappropriate. For example, on Boylston Street, height controls in addition to floor area ratio controls are required to control development which is too dense or too high.

4. Goals and Objectives: This section provides a list of the objectives to be achieved in developing new zoning for the planning overlay area. For example, an objective might be to promote redevelopment that retains the character of the Back Bay.

5. Interim Controls: The interim controls outlined in this section will regulate development in the IPOD.

6. Timetable: A timetable will be specified for performing planning studies and drafting the new zoning district. Tasks in the timetable include: mapping existing land uses; establishing design, planning and environmental goals; and defining the new zoning. At the end of the interim period, any proposed new zoning will be recommended to the Zoning Commission for adoption.

Projects that are proposed during the IPOD period must adhere to the following process established through the Zoning Code. Applicants for a building permit which are not exempt under the IPOD regulations will have to receive an Interim Planning Permit from the Board of Appeal before the Inspectional Services Department can issue the requested permit.

Based upon the adopted IPOD regulations, the Inspectional Services Department will determine if an Interim Planning Permit is required. If so, the application will be denied and forwarded to the Board of Appeal and the Boston Redevelopment Authority.

After community review, the Boston Redevelopment Authority, as the City's planning agency must, within 90 days, report to the Board of Appeal whether or not the proposed action is consistent with the planning goals for the IPOD, and the comprehensive planning process.

The Board of Appeal will hold a public hearing on the proposal. In order to issue an Interim Planning Permit, the Board must find that the proposed action is consistent with the objectives of the Interim Overlay District, and that the proposed changes will not adversely affect the comprehensive planning process.

ARTICLE 27

INTERIM PLANNING OVERLAY DISTRICT

SECTION 27-1. Statement of Purpose.

The Commission finds that:

- o The attributes of an evolving city make it necessary from time to time to consider rezoning of an area;
- o it is usually desirable to precede a contemplated rezoning of an area with a comprehensive planning study;
- o a reasonable period of time is required to complete such comprehensive planning study, given the need to assemble and consider adequately the necessary economic, social, physical and other information, and to hold public hearings and otherwise involve the public in the planning process;
- o the preparation, drafting, and adoption of a proposed rezoning may take a significant period of time to complete;
- o in the time period during which the comprehensive planning study and contemplated rezoning are prepared, it is essential to protect the area under review from unwise development that would frustrate the ultimate goals of the comprehensive planning process and contemplated rezoning;
- o the use of interim zoning measures to protect the integrity of an area pending completion of a comprehensive planning study and preparation of a rezoning proposal is a commonly used technique around the country.

Therefore, under the authority of Chapter 665 of the Acts of 1956 and Chapter 652 of the Acts of 1960 this article is established.

SECTION 27-2. Basic Regulations.

1. An Interim Planning Overlay District shall be established through text and map amendment to the Zoning Code and zoning maps.

2. An Interim Planning Overlay District may operate to suspend all or a portion of the existing underlying zoning of an area for the period during which the Interim Planning Overlay District shall be in effect.

3. An Interim Planning Overlay District shall be in effect for a specified time period, but under no circumstances may it exceed two years.

8

4. An Interim Planning Overlay District itself may be divided into subdistricts.

5. An Interim Planning Overlay District may be extended to a total period not to exceed two years, or may be amended or repealed, at any time prior to expiration of the specified time period, only by approval of the Zoning Commission after petition, public notice and hearing. Upon expiration of the specified time period, the Interim Planning Overlay District shall automatically dissolve.

6. An Interim Planning Overlay District may employ an Interim Planning Permit procedure to govern any or all areas of the Interim Planning Overlay District. The Interim Planning Permit system is described in Section 27-3.

SECTION 27-3. Interim Planning Procedure.

An application for an Interim Planning Permit must be filed in quadruplicate with the Inspectional Services Department, which will retain one copy and transmit the other copies within seven days as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and one to the Zoning Commission. Within ninety days of the receipt of such transmittal, the Boston Redevelopment Authority shall file with the Board of Appeal a report with recommendations together with materials, maps or plans to aid the Board of Appeal in judging the application. The Board of Appeal shall not hold a hearing or render any decision on an application for such Permit until such report with recommendations has been received and considered; provided that if no such report is received within ninety days, the Board of Appeal may hold a hearing and render a decision without such report.

The Board of Appeal shall grant such application only if it finds that the proposed action described in the application would not be incompatible with the goals of the comprehensive planning study and contemplated rezoning.

SECTION 27-4. Petition for Interim Planning Overlay District. The Boston Redevelopment Authority may petition the Zoning Commission for the designation of an Interim Planning Overlay District. Such petition must:

1. Define the physical boundaries of the Interim Planning Overlay District.

2. Describe the characteristics of the area that suggest the existing underlying zoning may not be appropriate.

3. Specify a detailed timetable with specified deadlines for conducting and completing the comprehensive planning study, and for drafting and petitioning for any rezoning of the area.

4. Specify a specific date, not to exceed two years from the effective date of an amendment establishing such district, for dissolution of the Interim Planning Overlay District.

5. State regulations to control land use in the area during the specified time period including but not limited to the following:

   a. regulations which suspend the underlying existing zoning;

   b. regulations governing the Interim Planning Permit, if any;

6. State explicitly which land uses and activities are subject to the provisions of the Interim Planning Overlay District, and which land uses and activities, if any, are left to be governed by the underlying existing zoning.

SECTION 27-5. Severability Clause.

The provisions of this regulation are severable, and if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this regulation.

INTERIM PLANNING OVERLAY DISTRICT

A SUMMARY

SUMMARY OF BOYLSTON STREET
INTERIM PLANNING OVERLAY DISTRICT (IPOD)

The proposed Boylston Street Interim Planning Overlay District (IPOD) was developed by the Authority's staff in cooperation with the Boylston Street Zoning Study Citizens' Review Committee (CRC).

The IPOD is a zoning control which allows development to proceed in an orderly manner while final zoning recommendations and development controls are being completed. It is proposed that the Boylston Street IPOD be put in place for a one year period, although, if the planning process necessitates, the IPOD may be extended for an additional 12 months.

The specific controls provide for new height limitations, densities (floor area ratios) and additional setback requirements beyond certain heights within the ten subdistricts of the Boylston Street IPOD.

The preliminary zoning recommendations for the Boylston Street IPOD were established in the Interim Report which was publicly released in March, 1985. A revised set of zoning recommendations were developed in November, 1985, and presented to the CRC. During the past three weeks, final interim zoning controls have been negotiated with the various constituents of the CRC, including both Back Bay neighborhood and business interests. (See attached newspaper article from the TAB, January 28, 1986.)

The zoning proposal being presented for public discussion on January 28th is one which will provide for height and density restrictions which strike a balance between growth and historic preservation along Boylston Street.

SUMMARY OF IPOD PROPOSALS

A. UPPER BOYLSTON STREET I

These four blocks on Boylston Street's northside are currently within a 155-foot height limit with a floor area ratio (FAR) of 10. (FAR is a standard measure of a building's density based on the ratio of a building's total square feet of floor space and the size of the lot it is built on).

Under the proposed zoning, allowable height limits would be reduced to 120 feet, with a 15-35 foot setback for any building height above 90 feet.

B. UPPER BOYLSTON STREET II

This area incorporates two blocks adjacent to the Cheri Cinema on Boylston Street's southside. Current zoning is at an FAR of 2, which protects the area during the interim planning period. New proposals will be subject to BRA design review through the IPOD Planning Permit process.

C. UPPER BOYLSTON STREET III

This extended block fronting Hynes Auditorium, Prudential Center, and Lenox Hotel on Boylston Street's southside is within a district containing an FAR of 8. Under the proposed zoning, a height limitation of 120 feet for a distance of at least 120 feet back from Boylston Street southside lot line is proposed. These controls will set a uniform development standard for Boylston Street's southside, and establishes the Lenox Hotel's cornice line (currently at 120-125 feet) as the maximum height.

D. BOYLSTON STREET NORTHSIDE I

This one block section on Boylston Street's northside, between Exeter and Fairfield Streets, is also within a current 155 foot height district with an FAR of 10.

The zoning proposal is for a height limitation of 90 feet with an FAR reduced from 10 to 6. This proposal will allow protection of the historic buildings within the block, and helps to transition heights on the northside between Copley Square and Upper Boylston Street.

E. COPLEY SQUARE

This four block area on both sides of Boylston Street includes the Public Library and Copley Square, and is the most significant historic area along Boylston Street. Its public spaces (Copley Square) and historic buildings (Trinity Church and McKim Building of the Public Library) are internationally known. For these reasons heights are proposed to be restricted to 90 feet (from 155 feet) and to an FAR of 6. In addition, setback of buildings over the 65 foot limit is proposed.

F. BOYLSTON STREET NORTHSIDE II

These two beginning blocks on Boylston Street's northside include the Arlington Street Church and the Bonwit Tellers building. Current zoning provides for a height limit of 155 feet and an FAR of 10.

Proposed zoning is for a height limitation of 90 feet to reflect existing historic character of the buildings within these blocks, and an FAR of 6.

G. BOYLSTON STREET SOUTHSIDE I

This Boylston Street Southside block is currently within a district having an FAR of 8 with no height restriction. Because of the historic character of this block (which also contains a building designated as a landmark - the Berkeley Building), it is proposed that heights be limited to 120 feet with a setback for buildings over 90 feet to reflect historic cornice lines. A continuation of the existing FAR of 8 is also proposed.

H. BOYLSTON STREET SOUTHSIDE II

This Boylston Street southside block is the location of the 500 Boylston Street project being completed by New England Mutual Life Insurance Company and Gerald D. Hines Interests. It is proposed that building within this block conform to the requirements of the Planned Development Area (PDA) already adopted for the 500 Boylston Street project.

I. PARK SQUARE BUILDING BLOCK

The Park Square building encompasses the entire city block bounded by St. James Avenue, Berkeley Street, Providence Street and Arlington Street. Current zoning provides for an FAR of 10 with no height restrictions. It is proposed that any modification to the Park Square building be established through the Authority's design review process and the IPOD Planning Permitting procedure.

J. TRIANGLE BLOCK

This triangular shaped block opposite the Westin Hotel, and adjoining the Boston Public Library, is one of the few remaining Back Bay blocks which has long been considered ripe for development. It is proposed that any new development be limited to 120 feet with setbacks required for any building area over 90 feet in height.

TABLE

Boylston Street Interim Planning Overlay District
Interim Controls

Subdistrict and Existing Zoning	Maximum Floor Area Ratio	Setback Above Height of	Height Limit
A. Upper Boylston Street I			
B-10-155	8	90 feet (1)	120 feet
B-4	8	90 feet (1)	120 feet
B-8	8	90 feet (1)	120 feet
B. Upper Boylston Street II			
B-2	2	(2)	(3)
C. Upper Boylston Street III			
B-8	8	(2)	120 feet
D. Boylston Street Northside I			
B-10-155	6	(2)	90 feet
E. Copley Square			
B-10-155	6	65 feet (4)	90 feet
B-8	6	65 feet (4)	90 feet
F. Boylston Street Northside II			
B-10-155	6	(2)	90 feet
G. Boylston Street Southside I			
B-8	8	90 feet (4)	120 feet
B-10	8	90 feet (4)	120 feet
H. Boylston Street Southside II			
B-8-D	(5)	(5)	(5)
I. Park Square Building Block			
B-10	10	(2)	(6)
J. Triangle Block			
B-8	8	90 feet (2)	120 feet

(1) Setback shall be a minimum of 15 feet from rear rear lot line, and may be up to 35 feet based on design review by the Boston Redevelopment Authority.

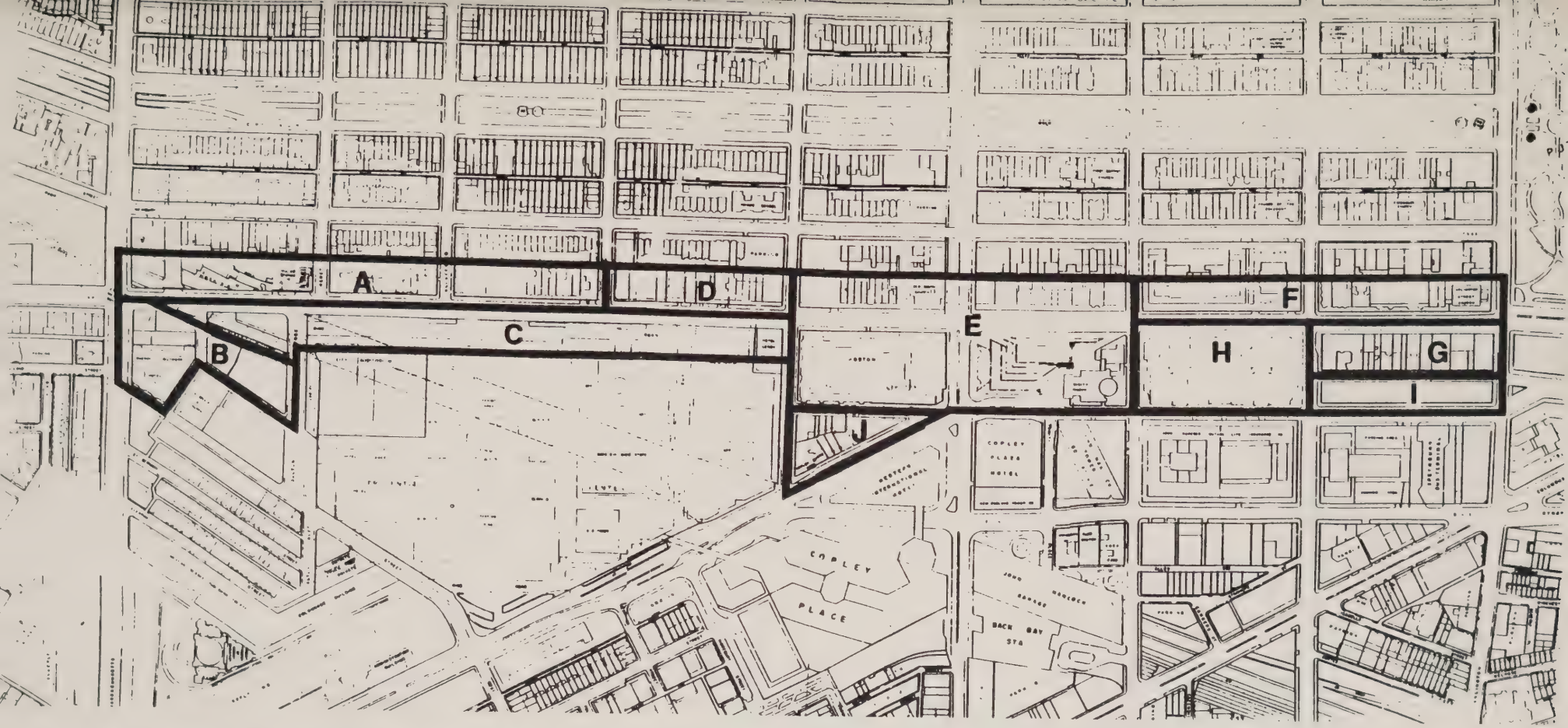
(2) Existing setback requirements in zoning district as specified in zoning code shall apply.

(3) No height limits shall apply in that the existing floor area ratio of two (2) in the subdistrict provides adequate protection to maintain a low density which is compatible with adjacent residential neighborhoods.

(4) Setback shall be a minimum of 15 feet from front lot line, and may be up to 35 feet based on design review by the Boston Redevelopment Authority.

(5) In accordance with requirements of Planned Development Area No. 17 (500 Boylston Street in the Back Bay).

(6) No height limits shall apply in that the existing floor area ratio of ten (10) in the subdistrict provides adequate protection to maintain a density which is compatible with adjacent development.



BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT

A UPPER BOYLSTON STREET I
B UPPER BOYLSTON STREET II
C UPPER BOYLSTON STREET III
D BOYLSTON STREET NORTHSIDE I
E COPLEY SQUARE
F BOYLSTON STREET NORTHSIDE II
G BOYLSTON STREET SOUTHSIDE I
H BOYLSTON STREET SOUTHSIDE II
I PARK SQUARE BUILDING BLOCK
J TRIANGLE BLOCK

BOYLSTON STREET CITIZENS' REVIEW COMMITTEE (CRC)
SUBCOMMITTEE ON ZONING

During the past three weeks, the Authority has negotiated with a Zoning Subcommittee of the CRC on reaching a concensus position on the specific proposals to be recommended as part of the Boylston Street Interim Planning Overlay District. The members of the Zoning Subcommittee include:

Organization	Representative
Back Bay Architectural Commission	Ann Gleason
Back Bay Association	Marianne Abrams
Bay Village Neighborhood Association	John Giangregorio
Boston Preservation Alliance	Susan Park
Boston Society of Architects	John Wilson
Ellis Neighborhood Association	Arthur Howe
Greater Boston Chamber of Commerce	Simone Auster
Greater Boston Real Estate Board	Ronald Druker
Neighborhood Association of the Back Bay	Paul Demakis Paul Prindle Susan Prindle

Zone of Compromise

Back Bay leaders agree on Boylston Street zoning plan

By Jonathan Wells

One of the Back Bay's most divisive issues was settled last week when neighborhood and business leaders finally struck a compromise on new zoning guidelines for Boylston Street.

After three weeks of intense negotiations, neighborhood activists and Back Bay property owners agreed last week on a plan that will lower the allowable height and density of new buildings on the Back Bay's major commercial thoroughfare. The new "downzoning" guidelines will be offered to the Boston Redevelopment Authority's (BRA) board of directors for approval at a special 7:30 pm meeting on Tuesday, January 28 at the Boston Public Library..

"I wish we could work this well on all issues affecting neighborhood and business interests," says Paul Demakis, vice chairman of the Neighborhood Association of the Back Bay (NABB). "We are very satisfied with the consensus."

Back Bay property owners and business leaders — who sent a flurry of letters to city officials last November protesting the BRA's original downzoning proposals — also support the compromise zoning plan.

"We're prepared to support it," says Boylston Street Association president Stuart Robbins, who had threatened to take the city to court over the issue. "I think in any compromise situation, you're not ecstatic, but a half a loaf is better than none."

The BRA staff's original downzoning recommendations for Boylston Street — published 11 months ago — called for slightly stricter height and density limits than the current compromise plan. Following the release of that plan, the BRA and a group of neighborhood activists, business leaders and area preservations began meeting as the Boylston Street Citizen Review Committee and wrangling over what should eventually be submitted to the BRA board.

But in November, Coyle announced his intention to go to the board in December with a proposal identical to his staff's original proposal. Coyle's unilateral action sparked angry protests from Back Bay business leaders who felt the plan would inhibit growth on Boylston Street and unfairly reduce the value of commercial property. Business leaders also accused Coyle of sabotaging nine months of painstaking deliberations with neighborhood leaders.

When that storm died down, business and neighborhood leaders sat down with the BRA and hammered out last week's compromise. The compromise proposal, known as an interim planning overlay district (IPOD), will establish new zoning laws for Boylston Street for a period of one year. The plan will be backed by BRA director Stephen Coyle when it goes before the BRA board this week, and if the board approves it, it will be voted on by the city's zoning commission.

"It's a breakthrough consensus position," says Susan Allen, a top downtown planner at the BRA. "The height and (density) restrictions will enable future buildings on Boylston Street to strike a balance between growth and historic preservation."

PHOTO BY SARAH HOOD

A new zoning map is in store for Boylston Street.

The current zoning laws for the north side of Boylston Street set a 155-foot height limit on new buildings and cap allowable floor area ratios (FAR) at 10. FAR is a standard measure of a building's density based on the ratio between a building's total square feet of floor space and the size of the lot it is built on.

Under the revised zoning guidelines for the north side of the street, allowable building heights between Arlington and Clarendon streets and between Exeter and Fairfield streets will be reduced to 90 feet. Between Clarendon and Exeter streets the height cap will be dropped to 65 feet, with an allowance for 25 additional feet if those top floors are set back from the building's facade. Between Fairfield Street and Massachusetts Avenue, the height limit will be dropped to 120 feet on the Boylston Street side and to 90 feet for the portion of a building that faces the alley between Boylston and Newbury streets.

FAR limits on the north side of Boylston Street will be dropped from 10 to 6 between Arlington and Fairfield streets and from 10 to 8 between Fairfield Street and Massachusetts Avenue. On the south side of Boylston Street, the allowable FAR will be reduced to 8 and the height limit for the Arlington-to-Berkeley block will be dropped from 155 feet to 90 feet, with an allowance for 25 additional feet set back from the street. Between Clarendon and Exeter streets, the height and FAR limit will be identical to the two corresponding blocks on the north side of the street. Heights along the Prudential Center's Boylston Street frontage, which runs from Exeter to Hereford, will be limited to 120 feet.

The triangular section of air space over the Mass. Turnpike bounded by Boylston, Dalton and Cambria streets will have a 120-foot height cap and an FAR limit of 8. That site is considered appropriate for future "air rights" development. The area from Cambria Street to Massachusetts Avenue will retain its FAR limit of 2 with no height restriction. The proposal also sets a 90-foot height limit, with an allowable set back to 120 feet, for a triangular block bounded by Huntington Avenue, Exeter Street and Blagden Street. The allowable FAR for that parcel, considered ripe for redevelopment, is 8.

APPENDIX I

NOTE: THE FOLLOWING PROPOSED ZONING AMENDMENT TO ESTABLISH A BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT HAS INCORPORATED RECOMMENDATIONS BY COMMUNITY REPRESENTATIVES OF THE BOYLSTON STREET ZONING CITIZENS' REVIEW COMMITTEE - JANUARY 23, 1986

Text Amendment Application No.
Boston Redevelopment Authority
Boylston Street Interim Planning
Overlay District

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, by inserting after Article 27A, for a period of twelve months from the effective date of this amendment, the following Article:

ARTICLE 27B

BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT

SECTION 27B-1: Statement of Purpose.

(a) In order to preserve the health, safety, convenience and welfare of inhabitants of the City of Boston for the purpose of preserving and enhancing certain portions of the city in the vicinity of Boylston Street, and to conserve the value of land and buildings, to encourage the most appropriate use of land throughout the city, to lessen congestion in the streets, to provide adequate light and air, and to prevent overcrowding of land, there is hereby established a zoning district to be known as the Boylston Street Interim Planning Overlay District.

(b) The district is established for the following purposes: (1) to determine appropriate height limits balancing the demands of new development with the existing environment and the requirements for light and air; (2) to ensure that appropriate transitions in height and setback exist within the District; (3) to determine appropriate floor area ratios in order to avoid excessive traffic and parking problems; (4) to encourage the preservation of historic structures and maintenance of architectural diversity in the district; (5) to encourage mixed-use development, where appropriate, which combines residential and commercial uses; (6) to prevent excessive development impacts on public open space; and (7) to reinforce Boylston Street as a pedestrian link between the Fenway and the Boston Common.

SECTION 27B-2: Physical Boundaries.

The Boylston Street Interim Planning Overlay District includes such portions of the present B-10-155, B-10, B-8, B-8-D, B-4, and B-2 subdistricts in Boston Proper as are within the following boundaries: from the northwesterly corner of St. James Avenue and Arlington Street, northerly along Arlington Street to Public Alley No. 438; westerly along Public Alley No. 438 and on an extension thereof through the property between Clarendon and Berkeley Streets to Public Alley No. 439; westerly along Public Alleys No. 439, 440, 441, 442, 443, and 444 to Massachusetts Avenue; southerly along Massachusetts Avenue to Belvidere Street; southwesterly along Belvidere Street to St. Cecilia Street; northeasterly along St. Cecilia Street to Scotia Street; southwesterly along Scotia Street to Dalton Street; northerly along Dalton Street to a point 120 feet south of the southerly sideline of Boylston Street; easterly along a line parallel to and 120 feet south of said southerly sideline of Boylston Street to Exeter Street; southerly along Exeter Street to Huntington Avenue; easterly along Huntington Avenue to Blagden Street; and easterly along St. James Avenue to Arlington Street.

The district is divided into ten subdistricts as defined by the following boundaries:

a. Upper Boylston Street I

From the northwesterly corner of Boylston and Fairfield Streets, northerly along Fairfield Street to Public Alley No. 442; westerly along Public Alleys No. 442, 443, 444, and an extension thereof to Massachusetts Avenue; southerly along Massachusetts Avenue to Boylston Street; easterly along Boylston Street to Fairfield Street.

b. Upper Boylston Street II

From the corner of Dalton and Scotia Streets, northerly along Dalton Street to Cambria Street; northwesterly along Cambria Street to Boylston Street; westerly along Boylston Street to Massachusetts Avenue; southerly along Massachusetts Avenue to Belvidere Street; southeasterly along Belvidere Street to St. Cecilia Street; northeasterly along St. Cecilia Street to Scotia Street; and southeasterly along Scotia Street to Dalton Street.

c. Upper Boylston Street III

From a point in the center of Exeter Street one hundred and twenty (120) feet south of the southerly sideline of Boylston Street at Exeter Street, northerly along Exeter Street to Boylston Street; westerly along Boylston Street to Cambria Street; southeasterly along Cambria Street to Dalton Street; northerly along Dalton Street to a point 120 feet south of the southerly sideline of Boylston Street; easterly along a line parallel to and 120 feet south of said southerly sideline of Boylston Street to Exeter Street.

d. Boylston Street Northside I (Exeter Street to Fairfield Street)

From the northwesterly corner of Boylston and Exeter Streets, northerly along Exeter Street to Public Alley No. 441; westerly along Public Alley No. 441 to Fairfield Street; southerly along Fairfield Street to Boylston Street; and easterly along Boylston Street to Exeter Street.

e. Copley Square (Clarendon Street to Exeter Street)

From the northwesterly corner of St. James Avenue and Clarendon Street, northerly along Clarendon Street to Public Alley No. 439; westerly along Public Alleys No. 439 and 440 to Exeter Street; southerly along Exeter Street to Blagden Street; and easterly along Blagden Street and St. James Avenue to Clarendon Street.

f. Boylston Street Northside II (Arlington Street to Clarendon Street)

From the northwesterly corner of Boylston and Arlington Street, northerly along Arlington Street to Public Alley No. 438; westerly along Public Alley No. 438 and an extension thereof to Clarendon Street; southerly along Clarendon Street to Boylston Street; and easterly along Boylston Street to Arlington Street.

g. Boylston Street Southside I (Arlington Street to Berkeley Street)

From the northwesterly corner of Providence Street and Arlington Street, northerly along Arlington Street to Boylston Street; westerly along Boylston Street to Berkeley Street; southerly along Berkeley Street to Providence Street; and easterly along Providence Street to Arlington Street.

h. Boylston Street Southside II (Berkeley Street to Clarendon Street)

From the northwesterly corner of St. James Avenue and Berkeley Street, northerly along Berkeley Street to Boylston Street; westerly along Boylston Street to Clarendon Street; southerly along Clarendon Street to St. James Avenue; and easterly along St. James Avenue to Berkeley Street.

i. Park Square Building Block

From the northwesterly corner of St. James Avenue and Arlington Street, northerly along Arlington Street to Providence Street; westerly along Providence Street to Berkeley Street; southerly along Berkeley Street to St. James Avenue; and easterly along St. James Avenue to Arlington Street.

j. Triangle Block

From the northwesterly corner of Huntington Avenue and Blagden Street, northwesterly along Blagden Street to Exeter Street; southerly along Exeter Street to Huntington Avenue; and easterly along Huntington Avenue to Blagden Street.

SECTION 27B-3: Time Period.

The Boylston Street Interim Planning Overlay District will be in effect for twelve months from the effective date of this article (unless otherwise extended pursuant to Section 27-2(5) or until the effective date of any changes in the underlying zoning adopted pursuant to the process outlined in Section 27B-8, whichever occurs first. At the end of said period, the zoning regulations in the district shall be those in effect prior to the effective date of this article unless revised by said process.

SECTION 27B-4: Characteristics of the District that Suggest the Existing Underlying Zoning May Not be Appropriate.

a. The existing zoning fails to establish appropriate height limits balancing the demands of new development with the existing environment and the requirements for light and air.

b. The existing zoning fails to establish appropriate floor area ratios which would avoid excessive traffic and parking problems.

c. The existing zoning fails to encourage the preservation of historic structures and the maintenance of architectural diversity in the district.

d. The existing zoning fails to encourage mixed-use development.

e. The existing zoning fails to prevent excessive development impacts on public open space.

SECTION 27B-5: Goals and Objectives of the Boylston Street Interim Planning Overlay District.

The Board of Appeal shall grant an Interim Planning Permit, pursuant to Section 27B-7, only if it finds that the proposed action would be consistent with the goals stated in section 27B-1(b) and the following specific goals and objectives for the subdistrict involved:

a. Upper Boylston Street I

   i. To determine height limits which are appropriate for the subdistrict.

   ii. To ensure that new development is in scale with existing historic and architecturally significant structures in the subdistrict.

   iii. To ensure that development is compatible with the adjoining low-density neighborhood.

   iv. To ensure adequate light and air in the subdistrict.

b. Upper Boylston Street II

i. To ensure development that is compatible with the adjoining low-density neighborhood.

ii. To ensure adequate light and air in the subdistrict.

iii. To determine height limits which are appropriate for the subdistrict.

c. Upper Boylston Street III

i. To determine height limits which are appropriate for the subdistrict.

ii. To ensure adequate light and air in the subdistrict.

d. Boylston Street Northside I (Exeter Street to Fairfield Street)

i. To determine height limits which are appropriate for the subdistrict.

ii. To encourage development that is compatible with existing historic and architecturally significant structures in the subdistrict.

iii. To ensure adequate light and air in the subdistrict.

e. Copley Square (Clarendon Street to Exeter Street)

i. To determine height limits which are appropriate for the subdistrict.

ii. To encourage development that is in scale with existing historic and architecturally significant structures in the subdistrict.

iii. To encourage development that is consistent with the pedestrian scale of development on Newbury and Dartmouth Streets and which insures that Dartmouth Street continues to be a major pedestrian connector between the Charles River Esplanade, Commonwealth Avenue Mall, Newbury Street and the Copley Square transit and open space area.

iv. To minimize development impacts on public open space.

v. To ensure adequate light and air in the subdistrict.

f. Boylston Street Northside II (Arlington Street to Clarendon Street)

i. To determine height limits which are appropriate to the subdistrict.

ii. To encourage development that is compatible with existing historic and architecturally significant structures in the subdistrict.

iii. To ensure adequate light and air in the subdistrict.

g. Boylston Street Southside I (Arlington Street to Berkeley Street)

i. To encourage development that is compatible with existing historic and architecturally significant structures in the subdistrict.

ii. To ensure adequate light and air in the subdistrict.

iii. To determine height limits which are appropriate to the subdistrict.

h. Boylston Street Southside II (Berkeley Street to Clarendon Street)

i. To ensure development in accordance with Development Plan for Planned Development Area No. 17.

ii. To ensure adequate light and air in the subdistrict.

i. Park Square Building Block

i. To encourage development that is compatible with existing historic and architecturally significant structures in the nearby Boylston Street and Park Square areas.

ii. To ensure the adequate light and air in the subdistrict.

iii. To determine height limits which are appropriate for the subdistrict.

j. Triangle Block

i. To encourage development that is compatible with existing historic and architecturally significant structures in the subdistrict and in the nearby Copley Square area.

ii. To minimize development impacts on public open space.

iii. To ensure adequate light and air in the subdistrict.

SECTION 27B-6: Interim Controls.

During the period of the interim planning overlay district, height limitations, floor area ratio and setback requirements shall be as stated in Table I. All other requirements of the Zoning Code shall apply.

SECTION 27B-7: Interim Planning Procedure.

Since it is essential to protect the study area from development that would frustrate the goals of the comprehensive planning process and contemplated zoning changes while the comprehensive planning study is being conducted and contemplated zoning changes are being prepared, the Interim Planning Permit procedure described in Section 27-3 is hereby adopted for the Boylston

Street Interim Planning Overlay District. While the overlay district is in effect, all applicants for a building permit in said district shall apply for an Interim Planning Permit. Any applicant who holds a valid building permit or an approved Development Plan for a Planned Development Area shall be exempt from the requirements of the Interim Planning Overlay District. This procedure is in addition to the requirements and procedures mandated by the underlying zoning.

SECTION 27B-8: Estimated Timetable for Conducting and Completing Comprehensive Planning Study and Rezoning.

a. Completion of a comprehensive planning study report, including recommendations for new zoning map designations, maximum floor area ratios and height limits: to be completed nine months from the enactment of the overlay district.

b. Submission to Boston Redevelopment Authority Board of proposed zoning map change if any, for petition to Zoning Commission: to be completed eleven months from the enactment of the overlay district.

c. Zoning Commission hearing on petition to adopt proposed zoning changes, if any: to be completed twelve months from the enactment of the overlay district.

SECTION 27B-9: Severability.

The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: City Hall, Boston, MA 02201

Telephone Number: 722-4300, Extension 201

Date: _____

TABLE 1

Boylston Street Interim Planning Overlay District
Interim Controls

Subdistrict and Existing Zoning	Maximum Floor Area Ratio	Setback Above Height of	Height Limit
A. Upper Boylston Street I			
B-10-155	8	90 feet (1)	120 feet
B-4	8	90 feet (1)	120 feet
B-8	8	90 feet (1)	120 feet
B. Upper Boylston Street II			
B-2	2	(2)	(3)
C. Upper Boylston Street III			
B-8	8	(2)	120 feet
D. Boylston Street Northside I			
B-10-155	6	(2)	90 feet
E. Copley Square			
B-10-155	6	65 feet (4)	90 feet
B-8	6	65 feet (4)	90 feet
F. Boylston Street Northside II			
B-10-155	6	(2)	90 feet
G. Boylston Street Southside I			
B-8	8	90 feet (4)	120 feet
B-10	8	90 feet (4)	120 feet
H. Boylston Street Southside II			
B-8-D	(5)	(5)	(5)
I. Park Square Building Block			
B-10	10	(2)	(6)
J. Triangle Block			
B-8	8	90 feet (2)	120 feet

(1) Setback shall be a minimum of 15 feet from rear rear lot line, and may be up to 35 feet based on design review by the Boston Redevelopment Authority.

(2) Existing setback requirements in zoning district as specified in zoning code shall apply.

(3) No height limits shall apply in that the existing floor area ratio of two (2) in the subdistrict provides adequate protection to maintain a low density which is compatible with adjacent residential neighborhoods.

(4) Setback shall be a minimum of 15 feet from front lot line, and may be up to 35 feet based on design review by the Boston Redevelopment Authority.

(5) In accordance with requirements of Planned Development Area No. 17 (500 Boylston Street in the Back Bay).

(6) No height limits shall apply in that the existing floor area ratio of ten (10) in the subdistrict provides adequate protection to maintain a density which is compatible with adjacent development.

BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT

A UPPER BOYLSTON STREET I
B UPPER BOYLSTON STREET II
C UPPER BOYLSTON STREET III
D BOYLSTON STREET NORTHSIDE I
E COPLEY SQUARE
F BOYLSTON STREET NORTHSIDE II
G BOYLSTON STREET SOUTHSIDE I
H BOYLSTON STREET SOUTHSIDE II
I PARK SQUARE BUILDING BLOCK
J TRIANGLE BLOCK

APPENDIX II

(SEPARATE ATTACHMENT)

Back Bay
B792
1986

AUTHOR
Boylston St. Planning Overlay

TITLE

DATE LOANED	BORROWER'S NAME

2151 .40